

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS**

HANS A. QUAACK, ATTILIO PO  
and KARL LEIBINGER, on behalf of themselves  
and those similarly situated,

Plaintiffs,

v.

DEXIA, S.A. and DEXIA BANK BELGIUM  
(formerly known as ARTESIA BANKING CORP., SA),  
Defendants.

No.: 03-CV-11566 (PBS)

STONINGTON PARTNERS, INC., a Delaware  
Corporation, STONINGTON CAPITAL  
APPRECIATION 1994 FUND L.P., a Delaware  
Partnership and STONINGTON HOLDINGS, L.L.C., a  
Delaware limited liability company,

Plaintiffs,

v.

DEXIA, S.A. and DEXIA BANK BELGIUM  
(formerly known as ARTESIA BANKING CORP., SA),  
Defendants.

No.: 04-CV-10411 (PBS)

GARY B. FILLER and LAWRENCE PERLMAN,  
Trustees of the TRA Rights Trust,

Plaintiffs,

v.

DEXIA, S.A. and DEXIA BANK BELGIUM  
(formerly known as ARTESIA BANKING CORP., SA),  
Defendants.

No.: 04-CV-10477 (PBS)

JANET BAKER and JAMES BAKER, JKBAKER LLC  
and JMBAKER LLC,

Plaintiffs,

v.

DEXIA, S.A. and DEXIA BANK BELGIUM  
(formerly known as ARTESIA BANKING CORP., SA),  
Defendants.

No.: 04-CV-10501 (PBS)

**JOINT MOTION TO EXTEND THE DEADLINES FOR  
EXPERT DISCOVERY AND MOTIONS FOR SUMMARY JUDGMENT**

In accordance with the Court's instructions at the motion hearing held in the above-captioned actions on October 5, 2006, Plaintiffs and Defendant Dexia Bank Belgium ("Dexia") file this joint motion to extend the deadlines for expert discovery and motions for summary judgment. The parties respectfully request that this Court amend the current scheduling order dated August 22, 2006 for the limited purpose of extending the deadlines for expert discovery and any motions for summary judgment by approximately five (5) weeks to allow for the conclusion of fact discovery that the Court ordered to be completed at the October 5 hearing and the analysis of that discovery by the parties' designated experts. In support of this motion, the parties state as follows:

1. On August 22, 2006, the Court granted the parties' joint motion to extend the deadlines for expert discovery and motions for summary judgment, and established the following schedule for expert discovery and motions for summary judgment:

**October 31, 2006:** Deadline for Expert Reports Concerning any Matters for which any Party Bears the Burden of Proof

**December 15, 2006:** Deadline for Rebuttal Expert Reports

**January 31, 2007:** Deadline for Completion of Expert Depositions

**February 28, 2007:** Deadline for any Motion for Summary Judgment

2. On October 5, 2006, the Court denied Dexia's motions for protective orders to prevent the depositions of Stefaan Decraene and Axel Miller, and to limit the duration of the depositions of Bart Ferrand and Peter Rabaey. As a result, the parties have scheduled the depositions of Messrs. Ferrand and Rabaey for October 19-20 and 23-28, and expect to schedule the depositions of Messrs Decraene and Miller shortly. Other discovery motions that remain pending at this time may result in the scheduling of additional depositions and production of additional documents.

3. In order to allow sufficient time for the parties to complete this remaining discovery, and for their experts to review and analyze the additional information obtained, the parties submit that this Court should allow for a brief extension of expert discovery by five (5) weeks. The parties submit that such an extension is preferable over the costly and time-intensive alternative of having experts supplement and update their reports after fact discovery has been completed.

4. As a result of this requested extension for the deadline for expert reports, the parties submit the deadlines for expert depositions and motions for summary judgment likewise should be extended. Under the proposed schedule these cases will be on track for a pre-trial conference by mid-2007.

**WHEREFORE**, the parties jointly request that this Court extend the deadlines for expert discovery and motions for summary judgment as follows:

**December 8, 2006:** Deadline for Expert Reports Concerning any Matters for which any Party Bears the Burden of Proof.

**January 16, 2007:** Deadline for Rebuttal Expert Reports

**February 23, 2007:** Deadline for Completion of Expert Depositions

**March 23, 2007:** Deadline for any Motion for Summary Judgment

Dated: October 24, 2006

Respectfully submitted,

**BERMAN DEVALERIO PEASE  
TABACCO BURT & PUCILLO**

/s/ Patrick T. Egan  
Glen DeValerio, BBO # 122010  
Patrick T. Egan, BBO # 637477  
([pegan@bermanesq.com](mailto:pegan@bermanesq.com))  
Allison K. Jones, BBO # 654804  
One Liberty Square  
Boston, MA 02109  
Telephone: (617) 542-8300

**SHALOV STONE & BONNER LLP**

James P. Bonner  
Patrick L. Rocco  
485 Seventh Avenue, Suite 10000  
New York, New York 10018  
Telephone: (212) 239-4340

**CAULEY BOWMAN CARNEY & WILLIAMS PLLC**

Allen Carney  
11001 Executive Center Drive, Suite 200  
Little Rock, Arkansas 72212  
Telephone: (501) 312-8500

***Co-lead Counsel to Class Plaintiffs***

***Hans A. Quaak, Karl Leibinger and Attilio Po***

**BERNSTEIN LITOWITZ BERGER &  
GROSSMANN LLP**

/s/ Avi Josefson  
Max W. Berger  
Steven B. Singer  
Avi Josefson  
(avi@blbglaw.com)  
1285 Avenue of the Americas  
New York, NY 10019  
Telephone: (212) 554-1400

**LOONEY & GROSSMAN LLP**

Richard J. Grahn, BBO #206620  
Charles P. Kindregan, BBO #554947  
101 Arch Street  
Boston, MA 02110  
Telephone: (617) 951-2800

***Counsel to Plaintiffs Stonington Partners, Inc.,  
Stonington Capital Appreciation 1994 Fund L.P.  
and Stonington Holdings L.L.C.***

**GREGORY P. JOSEPH LAW OFFICES LLC**

/s/ Susan M. Davies

Gregory P. Joseph, N.Y. Atty Reg. #1645852  
Susan M. Davies, N.Y. Atty Reg. #2413508  
(sdavies@josephnyc.com)  
805 Third Avenue, 31st Floor  
New York, NY 10022  
Telephone: (212) 407-1200

**KOTIN, CRABTREE & STRONG**

Amy C. Mainelli, BBO #657201  
One Bowdoin Square  
Boston, MA 02114  
Telephone: (617) 227-7031

*Counsel to Plaintiffs Gary B. Filler and Lawrence  
Perlman, Trustees of the TRA Rights Trust*

**PARTRIDGE, ANKNER & HORSTMAN LLP**

/s/ Terence K. Ankner

Terence K. Ankner, BBO #552469  
(tka@anknerlaw.com)  
200 Berkeley Street, 16th Floor  
Boston, MA 02116  
Telephone: (617) 859-9999

**BOIES SCHILLER & FLEXNER**

Karen C. Dyer  
George R. Coe  
225 South Orange Avenue, Suite 905  
Orlando, Florida 32801  
Telephone: (407) 425-7118

**REED SMITH LLP**

Alan K. Cotler  
Joan A. Yue  
2500 One Liberty Place 1650 Market Street  
Philadelphia, PA 10103  
Telephone: (215) 851-8100

*Counsel to Plaintiffs Janet Baker, James Baker,  
JKBaker LLC and JMBaker LLC.*

**MINTZ LEVIN COHN FERRIS GLOVSKY & POPEO**

Peter M. Saporoff (BBO # 441740)  
Breton Leone-Quick (BBO # 655571)  
One Financial Center  
Boston, MA 02111  
Tel: (617) 542-6000  
Fax: (617) 542-2241

**CLIFFORD CHANCE US LLP**

\_\_\_\_\_  
/s/ Jeff E. Butler

James W. Weidner  
Jeff E. Butler  
31 West 52<sup>nd</sup> Street  
New York, NY 10019-6131  
Tel: (212) 878-8000  
Fax: (212) 878-8375

*Counsel For Defendant, Dexia Bank Belgium*